

**Before The  
Federal Communications Commission  
Washington, D.C. 20554**

MM Docket No. 95-141

In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
(Frederiksted, Virgin Islands)

RM-8642

DOCKET FILE COPY ORIGINAL

To: Mr. John Karousos  
Chief, Allocations Branch, Mass Media Bureau

**COMMENTS IN OPPOSITION AND IN REPLY TO  
COMMENTS AND COUNTERPROPOSAL OF PETITIONER**

International Broadcasting Corporation ("IBC"), licensee of FM broadcast station WAHQ-FM, Carolina, Puerto Rico, by its attorneys, hereby opposes the counterproposal of Jose J. Arzuaga ("Arzuaga") to change the channel of WAHQ-FM from 299B to 300B so that Arzuaga can change, again, the proposals it has for a new channel in the Virgin Islands. IBC strongly opposes the change of its channel since Arzuaga has not established that it serves the public interest or that he is entitled to any kind of serious consideration for its proposal. For those reasons, the proposed channel change should be denied in all respects and Arzuaga should be required to apply for Channel 298B1, the channel it requested as part of very complicated allocation proceedings and which the Commission is willing to allocate in order to meet Arzuaga's request.

It is noted that IBC has not been a party to these proceedings until now. Based on what can be gleaned from the Commission records, this NPRM is the result of an Arzuaga counterproposal in RM-8026, where Arzuaga sought to deal with competing channel demands by

proposing Channel 298B1 for Frederiksted and where the Commission appears to have already rejected the present Culebra channel assignment by Arzuaga. In Arzuaga's reply comments in RM-8026 (Attachment A hereto), Arzuaga had in fact proposed "that the Commission adopt either of the two following proposals:

1. That Channel 298B1 . . . be assigned for Frederiksted . . . without modifying any other frequency assignment. This proposal is instead of 298B for St. Thomas . . . as proposed.

2. That allotment of Channel 298A . . . be assigned to Culebra and WVOZ [now WAHQ] be moved from Channel 299B . . . to Channel 300B . . . thereby opening Channel 299A . . . for Frederiksted."

January 19, 1993 reply Comments of Arzuaga in RM-8026 at pages 1-2. Arzuaga's proposal was for either channel allotment. The Commission in the above-captioned rulemaking chose the first option, implicitly rejecting the proposal for Culebra that would have implicated WAHQ. Nothing has changed since that time other than Culebra now has a first service allotment that is the subject of a construction permit and, therefore, less need for a radio service.

As far as the undersigned can tell, Arzuaga did not serve a copy of the RM-8026 proposal on WAHQ and for that reason WAHQ never had knowledge that its channel position was even remotely at stake in any of these proceedings. It does appear that, at a minimum, the Commission should provide WAHQ a fuller opportunity to address the issues raised by Arzuaga if the Commission has any inclination to consider them on the merits. The status of the Table of Allotments with respect to Culebra and the Virgin Islands is quite complicated and, as far as the undersigned can ascertain, still subject to appeals at the Commission. Arzuaga's present proposal for further changes that he already once proposed and the Commission failed to adopt, should be either denied or suspended until the allocation situation from the other proceedings is resolved. At such time as that situation is clear, WAHQ should be given the opportunity to present argument on the issues and the necessary time to analyze the complicated technical and legal

issues involved here. It appears inappropriate and not sensible to allow Arzuaga to continue playing musical chairs with the Table of Allotments for no meaningful public interest reason.

The proceedings in RM-8026 and Arzuaga's proposal and counterproposal to his own proposal in the above-captioned NPRM raise substantial questions as to what is it that Arzuaga really wants and what is it that he would truly apply for.

The undersigned notes that reply comments in this case were due November 7, 1995, but IBC was not served with a copy of Arzuaga's counterproposal as required by the Commission's rules. The certificate attached to Arzuaga's pleading shows service allegedly on October 23, 1995 to Pienbenedio Rodriguez, President, WAHQ at Cobiam's Plaza Building, in Santurce, Puerto Rico. That gentleman, however, is neither the President nor the owner of WAHQ, and, in any event, is not located at the noted address which is also not the address for the station. Had Arzuaga or its counsel checked the Commission's files, they would have easily learned that WAHQ is owned by IBC, with Pedro Roman Collazo as its owner, and with an address at the Penthouse of the Darlington Building, in Rio Piedras. That information has been the same for many years. Had it not been that Arzuaga's pleading found its way to Mr. Rodriguez, who brokers time in WAHQ, and that Mr. Rodriguez saw it fit to forward to IBC a copy of this pleading, WAHQ would not have learned about it. By the time the pleading came to our attention, little time was left for a reply. It should be noted that Arzuaga knew about WAHQ's ownership and address. Arzuaga knows Mr. Roman very well and that has been the case for some years.

For the reasons noted above, IBC has not had an opportunity to even check from an engineering point of view if Arzuaga's petition is technically sound. That is not, however, the standard here. Arzuaga's counterproposal is devoid of public interest. It must be kept in mind that Arzuaga's intentions here are quite unclear. We do not even know if this proposed Culebra channel is the last that will be heard from Arzuaga on these issues. History suggests otherwise. Based on what the undersigned has been able to learn from the Commission's records, Arzuaga's

efforts in RM-8026 were directed towards achieving a new channel in Frederiksted. Somehow this turned into a proceeding for Culebra, after the Commission refused in RM-8026 to adopt a similar Culebra proposal, without further notice to the public. But this is not a Culebra proceeding and, if the Commission intends to consider at all Arzuaga's counterproposal to his own proposal a separate proceeding should be formally opened and IBC and others should be given adequate notice.

After the Commission invested resources on this and issued the above-captioned NPRM for the upgraded channel 298B1, it now appears that Arzuaga is not happy with the Commission's Virgin Island channel and it appears he no longer has an intention to apply for the Virgin Islands at all. Now Arzuaga wants resources to be committed to changing the channel it proposed for Virgin Islands, as upgraded, to be used for Culebra, Puerto Rico. In order to disguise its now apparent dissembling posture in his prior filings, Arzuaga tries to save face with respect to the Virgin Islands by saying that Channel 293B can be allotted to Frederiksted. To do this is why Arzuaga proposes to change WAHQ's channel. It is unclear why Arzuaga did not propose this from the beginning and only asked the Commission to explore a new channel for Virgin Islands and to consider Culebra only as an alternative. It is unusual, at best, to have the same petitioner vacillate from proposal to proposal while making the Commission tag alone. It remains to be seen what will be next.

Most important here is that there does not seem to be great public interest supporting the requested channel change. The Commission, as well as Arzuaga, are aware of the tangible and intangible costs associated with a channel change. This is particularly true in a case like this where WAHQ, under its former call sign WVOZ, has been operating at its current channel for over 20 years. It has a significant amount of goodwill riding on its location on the dial and listeners know where to find it. The station already went not too long ago through an identification change as a result of the adoption of a new call sign. A change in the frequency would be extremely disruptive of listener recognition in addition to the advertising, technical


and promotional costs resulting therefrom. It is quite presumptions for Arzuaga to state, without more, that the change would be of "minimal impact" to WAHQ. The alleged public interest in a new service for Culebra, an island of an overall population of about 1,500 persons, seems quite out of proportion if the impact on the established service of WAHQ is considered. The third service to Frederiksted is not a public benefit to be considered here since that benefit also results from the Commission's original proposal and is not dependent on the allocation of the channel to Culebra.

The Commission's records show that the broadcast market in Puerto Rico is, at best, weak and unstable. To require an established voice to incur unnecessary costs and loss of valuable goodwill just because Arzuaga is undecided about what it would like to see in the Table of Allotments is highly unreasonable. Arzuaga states he will apply for both channels in Culebra and Frederiksted if the allotments are made. His intention to truly do so and to build those facilities remains suspect in light of the vacillations he has shown in these proceedings.

In light of the foregoing, it is respectfully requested that the Commission reject Arzuaga's proposal to change the channel of WAHQ. If the Commission initiates a proceeding on that channel change proposal, IBC requests an opportunity to address the issues in full.

Respectfully submitted,

INTERNATIONAL BROADCASTING  
CORPORATION

By: 

Nora E. Garrote  
Piper & Marbury L.L.P.  
1200 19th Street, N.W.  
Washington, D.C. 20036  
(202) 861-3900

November 13, 1995

# CERTIFICATE OF SERVICE

Nora E. Garrote hereby certifies that on November 13, 1995, she has sent a copy of the above pleading to James L. Oyster, Esq., attorney for Arzuaga, at 108 Oyster lane, Castleton, Virginia 22716-9720, by first-class mail, postage pre-paid.

Nora Garrote

RECEIVED

JAN 19 1993

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MM Docket No. 92-245

In re

Amendment of Section 73.202 (b)  
Table of Allotments  
FM Broadcast Stations  
(Frederiksted, Virgin Islands

RM-8026

DOCKET FILE COPY ORIGINAL

To: The Chief, Allocations Branch

REPLY COMMENTS

Jose J. Arzuaga ("petitioner"), herewith submits the attached Reply Comments in response to the COMMENTS AND COUNTERPROPOSAL filed by El Mundo Broadcasting Corporation, Estereotempo, Inc., Radio Redentor, Inc., and Aurio Matos (Joint Commenters).

Respectfully submitted,

Law Offices  
JAMES L. OYSTER  
Rt. 1, Box 203A  
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(703) 937-4800

JOSE J. ARZUAGA

By   
James L. Oyster  
Counsel

January 19, 1993

No. of Copies rec'd  
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## REPLY COMMENTS

These technical comments were prepared on behalf of José J. Arzuaga, Petitioner for 298A for Frederiksted, St. Croix and are presented as a Reply Comments to that presented by Aurio Matos, licensee of Radio Station WNNV, Channel 288A, Aguada, Puerto Rico; Radio Redentor, Inc., licensee of Radio Station WERR, Channel 281B, Utuado, Puerto Rico; El Mundo Broadcasting Corp. licensee of Radio Station WKAQ-FM, Channel 284B, San Juan, Puerto Rico; and Estero-tempo, Inc. licensee of Radio Station WIOC, Channel 286B, Ponce, Puerto Rico; jointly referred to as commentors.

The proposed changes in §73.202(b) of the Commission's Rules include the following: Request is made to utilize Channel 298B, 107.5 MHz in substitution of present Channel 268B, 101.5 MHz in St. Thomas. To accomplish this it will be necessary to move petitioner José J. Arzuaga's requested Channel 298A, 107.5 MHz to Channel 202A, 104.3 MHz, move WVOZ from Channel 299B, 107.7 MHz to 300B and put Channel 298B, 107.5 in St. Thomas.

Petitioner requests instead of moving Channel 298B, 107.5 Mhz to St. Thomas, that Channel 298B1, 107.5 MHz be assigned for Frederiksted, V.I. To better serve the public interest, Petitioner proposes that Channel 298, 107.5 be upgraded from Class A to B1. This change can be made without modifying any other frequency assignment.

To better serve the public interest, petitioner request that instead of moving Channel 298B, 107.5 MHz to St. Thomas that the Commission adopt either of the two following proposals:

1. That Channel 298B1, 107.5 MHz be assigned for Frederiksted, U.S.V.I. without modifying any other frequency assignment. This proposal is instead of 298B for St. Thomas U.S.V.I. as proposed.
2. That allotment of Channel 298A, 107.5 MHz be assigned



To Culebra and WVOZ be moved from channel 299B, 107.7 to Channel 300B, 107.9 thereby opening up Channel 299A, 107.7 MHz. for Frederiksted

Upon adoption of proposal 1 above, petitioner agrees to file for Channel 298B1 in Frederiksted or upon adoption of petition 2 above, petitioner agrees to file for Channels 298A, 107.5 in Culebra and Channel 299A, 107.7 for Frederiksted, U.S.V.I.

Fredoriksted and Culebra Allotment would be the second full time: Aural Service.

We are including copy of certification of service and we observe that the requirement to serve notice upon the following person who is a party to this proceeding and was not provide a copy of conterpro-  
porsal by commentators.

Clayton Knight  
Box 1239  
Kinghill, St. Croix U.S.V.I. 00851

His radication for allotment for an FM channel in Christiansted was filed in august of 1992.

The island town of Culebra is a municipality and is organized as all other of the 78 municipalities of Puerto Rico. The city hall is run by amayor and municipal assembly. The town is organized with local and State Plice, Fire Deparment, Postal Service, Civil Defense, Schools and others local and federal deparments.

#### CONCLUSION

The counterproposal of commentators is simply an exchange of channels to accomodate personal interests that are not necessarily in the publics interest and and wich, at the same time do not result any upgrade of class or in the creation of any additional available channels for the region.

Due to the public intorest in these proposed change to

Counterproposals as contained in these comments we petition the Commission to act upon the Comments and deny Counterproposals or in the event of not acting upon such, to reopen the issue for additional Counterproposals.

## DISCUSSION OF PROPOSED CHANGES

### WNNV-FM, Aguada, Puerto Rico

WNNV is going to increase with the change from A to B1 just .99 KW from 3.0 KW to 3.99 KW, WNNV is on the top of the best site to Aguada and the Western Part of Puerto Rico. The studio and office of WNNV are in Mayaguez, Puerto Rico. They do not have any studio or office in the Community of Service, Aguada; nor is there a local phone in Mayaguez for the Aguada residents the only telephone numbers listed are: 833-7940, 834-7770 and 833-7100 all for Mayaguez exchanges.

It appears that WNNV wants to increase the signal for the Mayaguez Metro Area. To eliminate multipath on the East and South East. Where the growth areas of Mayaguez are located and provoke the immigration to the San Juan Metro Area of the only big competitor of a total of two (2) for the same format, ie: WERR with religious programming.

WKAQ-FM San Juan, Puerto Rico

WKAQ the leading station for year's in the San Juan Metro Area want's now to cover the second largest market, Ponce, with city grade contour. They have the alternative to move to the best site for the San Juan Metro Area, "El Yunque Peak" 3,496 ft. without moving any channel and thus increase the coverage and area of service.

WIOC-FM, Ponce, Puerto Rico

The only interest of WIOC to change frequency is to change site and overlap with two sister stations WIOA, San Juan, WIOB, Mayaguez. At the present the most powerfull and bigger FM Network in Puerto Rico under the same ownership (Esterotempo). This does not seem to be in the public interest rather it seems to be a monetary interest.

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\*See contour Profile Graphs between proposed site and Ponce.

WVNX-FM, Charlotte Amalie, Saint Thomas

Should WVNX move to 107.5, this would eliminate the creation of a Channel B1 for Frederiksted or the creation of two Class A channels, one for Frederiksted and one for the isolated island of Culebra. This would provide a second full time aural service for both of these communities, compared with WVNX which would provide a 13th aural service \*if assigned to Charlotte Amalie, U.S.V. I.

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\* See "Tabulation of Charlotte Amalie Broadcast facilities included in this reply comments.

TABULATIONS OF CHARLOTTE AMALIE BROADCAST FACILITIES

CALL	COMMUNITY	CHANNEL & CLASS
WVWI (AM)	Charlotte Amalie, VI	1000 KHz.
WVWI (AM)	Charlotte Amalie, VI (5.00 KW D/1.00 KW N)	1000 HHZ.
WGOD (AM)	Charlotte Amalie, VI (0.25 KW D)	1090 KHz.
WSTA (AM)	Charlotte Amalie, VI (1.00 KW D)	1340 KHz.
WIVI (FM)	Charlotte Amalie, VI	241 B1
WGOD (FM)	Charlotte Amalie, VI	250 B
WTBN (FM)	Charlotte Amalie, VI	271 B
WIYC (FM)	Charlotte Amalie, VI	282 B
WVGN (FM)	Charlotte Amalie, VI	287 B
WBNBTV	Charlotte Amalie, VI	10
WBNBTV (CP)	Charlotte Amalie, VI	10
WTJX-TV	Charlotte Amalie, VI	12
New App	Charlotte Amalie, VI	17
WIUJ (FM)	Charlotte Amalie, VI	215 D
WVNX (FM)	Charlotte Amalie, VI	246 B

## DISCUSSION OF PROPOSED CHANGES

### WERR-FM, Utuado, Puerto Rico

It is the wish of WERR to change its city of license from Utuado, Puerto Rico to Gurabo, Puerto Rico. The Joint Commentators propose first local service for Gurabo, Puerto Rico, which proposal is for a first local service for Gurabo, which proposal is third in order of importance as specified in Section 307(b) of the Communications Act as amended.

Gurabo is part of the Caguas Statistical Metropolitan Area \*which is served by two (2) FM Stations WVJP-FM and WPRM, San Juan with all office and studio facilities located in Caguas, plus two (2) AM and two TV outlets. Gurabo is located just 2.7 miles NE of Caguas. This would be the seventh outlet in the Caguas S.M.S.A.

At present, WERR is the only FM service for Utuado for which it is licensed and also for the neighboring communities of Jayuya and Adjuntas. There is one service for Utuado, none for Jayuya and one for Adjuntas. The region of Utuado, Jayuya and Adjuntas is underserved, compared to other areas. Contrary to that indicated by the coverage map prepared by Bromo Communications and submitted on behalf of joint commentators, Utuado would be left without not only city grade coverage but also would fall well outside of the 1 mv/m contour, which calculated on the basis of the Commission's 2-10 mile radial toward Utuado would fall 27.4 miles from Caguas or 18.6 miles short.\*\*However, radial cal-

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\* SMSA Census map included

\*\* See contour profile graph between Proposed site and Utuado

culated the full distance to Utuado indicates Utuado would actually receive just 0.1 mv/m signal.

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1. Utuado, Population	34,980
2. Jayuya, Population	15,525
3. Adjuntas, Population	19,451

When the geography of the region is considered, it is noted that Utuado and Jayuya sit on the bottom of a cup with surrounding mountains forming the sides. Present site is, as it were, on the rim. It is this geographical condition which isolates these communities and access to radio services.

It is apparent that WERR desires to bring to completion its move to the San Juan - Caguas area where there are already 14 FM outlets. \*\*Some 10 years ago its main control and studios were moved to San Juan. Recentley an office in the community of Utuado was eliminated. The next proposed step would leaved this area abandoned as far as FM service, thereby disrupting the regional allotments.

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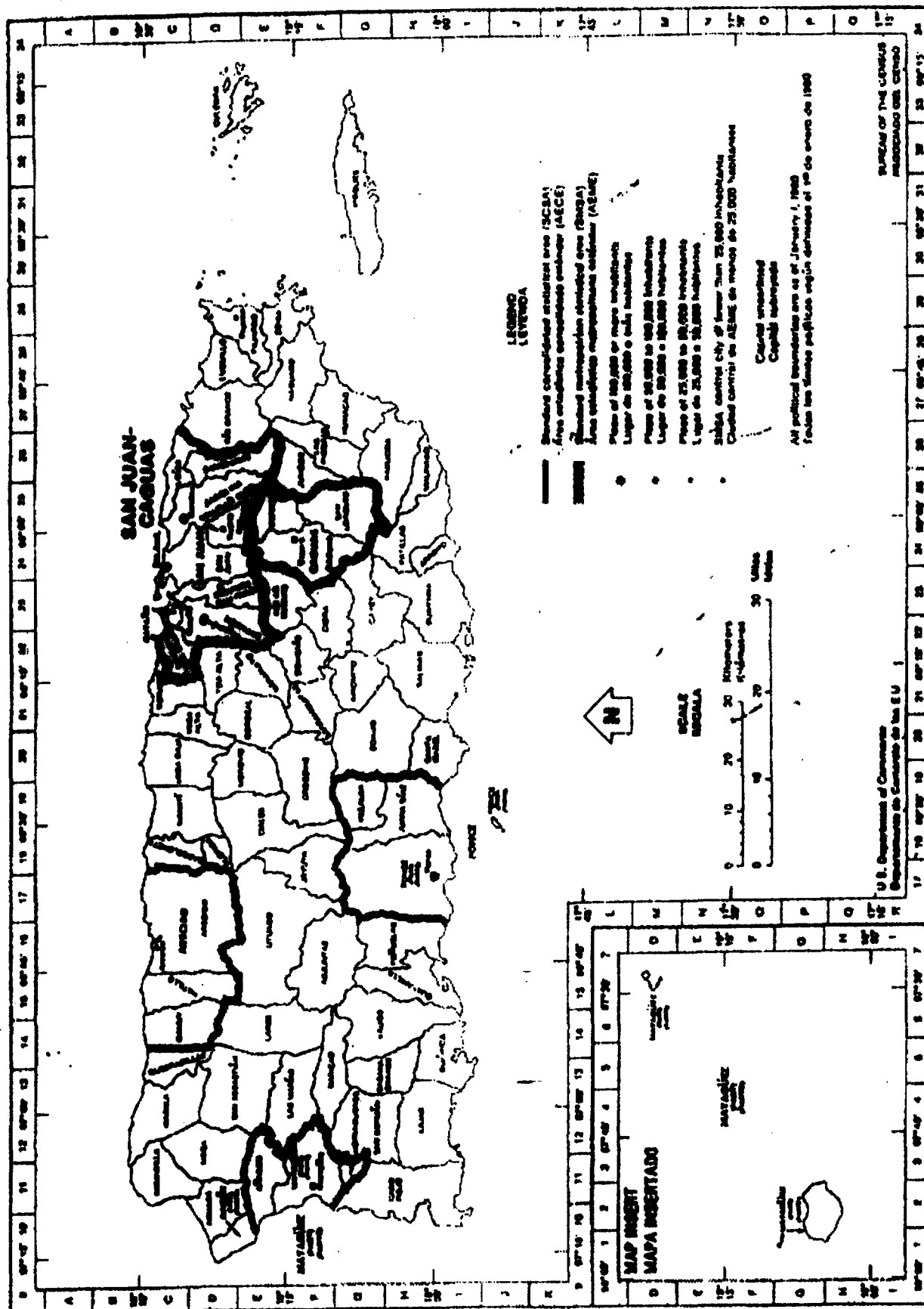
\*\* There are 12 FM, 15 AM and 9 TV outlets in San Juan and 2 FM, 2 AM and 2 TV in the Caguas Metropolitan Statistal areas.

\*\*\* No New FM Allotment for isolated Utuado was presented to replace the only FM channel to be vacated by the proposed immigration to Gurabo.



# Standard Consolidated Statistical Area, Standard Metropolitan Statistical Areas, Municipios, and Selected Places

EXHIBIT 1



**VIRGIN ISLANDS  
OF THE UNITED STATES**

**Bureau of the Census  
Department of Commerce**

**\* 1990 Population Totals \***

This table provides final 1990 census population counts for the Virgin Islands of the United States, its three major islands, subdistricts, and towns.

Governmental Unit	Number of Persons
Virgin Islands	101,809
St. Croix Island	50,139
Wren's Bay Village subdistrict	3,643
Christiansted subdistrict	3,199
East End subdistrict	1,740
Frederiksted subdistrict	6,046
Northcentral subdistrict	3,405
Northwest subdistrict	4,828
St. John subdistrict	11,683
Southcentral subdistrict	7,423
Southwest subdistrict	7,810
St. John Island	3,504
Central subdistrict	421
Coral Bay subdistrict	363
Cruz Bay subdistrict	2,469
East End subdistrict	31
St. Thomas Island	48,166
Charlotte Amalie subdistrict	20,589
East End subdistrict	3,927
Northside subdistrict	6,404
Southside subdistrict	4,648
Tutu subdistrict	9,084
Water Island subdistrict	172
West End subdistrict	1,322
Charlotte Amalie town	17,331
Christiansted town	2,555
Frederiksted town	1,064



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PUERTO RICO  
1990 Population Totals

Bureau of the Census  
Department of Commerce

This table provides final 1990 census population counts for Puerto Rico and its municipios. These counts are not suitable or intended for redistricting; the Bureau of the Census will provide redistricting counts at the block level for Puerto Rico in June 1991.

(030891)

GOVERNMENTAL UNIT

CODE	NAME	Number of Persons
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ST 72	PUERTO RICO	3,522,037
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CO 72 001	Adjuntas Municipio	19,451
CO 72 003	Aguada Municipio	35,911
CO 72 005	Aguadilla Municipio	59,335
CO 72 007	Aguas Buenas Municipio	25,424
CO 72 009	Aibonito Municipio	24,971

CO 72 011	Añasco Municipio	25,234
CO 72 013	Arecibo Municipio	93,385
CO 72 015	Arroyo Municipio	18,910
CO 72 017	Barceloneta Municipio	20,947
CO 72 019	Barranquitas Municipio	25,605

CO 72 021	Bayamón Municipio	220,262
CO 72 023	Cabo Rojo Municipio	38,521
CO 72 025	Caguas Municipio	133,447
CO 72 027	Camuy Municipio	28,917
CO 72 029	Canóvanas Municipio	36,816

CO 72 031	Carolina Municipio	177,806
CO 72 033	Cataño Municipio	34,587
CO 72 035	Cayey Municipio	46,553
CO 72 037	Ceiba Municipio	17,145
CO 72 039	Ciales Municipio	18,084

CO 72 041	Cidra Municipio	35,601
CO 72 043	Coamo Municipio	33,837
CO 72 045	Comerio Municipio	20,265
CO 72 047	Corozal Municipio	33,095
CO 72 049	Culebra Municipio	1,542

This table provides final 1990 census population counts for Puerto Rico and its municipios. These counts are not suitable or intended for redistricting; the Bureau of the Census will provide redistricting counts at the block level for Puerto Rico in June 1991.

(03089)

GOVERNMENTAL UNIT		Number of Persons
CODE	NAME	
CO 72 051	Dorado Municipio	30,71
CO 72 053	Fajardo Municipio	36,88
CO 72 054	Florida Municipio	8,61
CO 72 055	Guánica Municipio	19,98
CO 72 057	Guayama Municipio	41,58
CO 72 059	Guayanilla Municipio	21,58
CO 72 061	Guaynabo Municipio	92,88
CO 72 063	Gurabo Municipio	28,73
CO 72 065	Hatillo Municipio	32,70
CO 72 067	Hormigueros Municipio	15,21
CO 72 069	Humacao Municipio	55,20
CO 72 071	Isabela Municipio	39,18
CO 72 073	Jayuya Municipio	15,52
CO 72 075	Juana Díaz Municipio	45,19
CO 72 077	Juncos Municipio	30,61
CO 72 079	Lajas Municipio	23,27
CO 72 081	Lares Municipio	29,01
CO 72 083	Las Marías Municipio	9,30
CO 72 085	Las Piedras Municipio	27,89
CO 72 087	Loíza Municipio	29,30
CO 72 089	Luquillo Municipio	18,10
CO 72 091	Manatí Municipio	38,69
CO 72 093	Maricao Municipio	6,20
CO 72 095	Maunabo Municipio	12,34
CO 72 097	Mayagüez Municipio	100,37
CO 72 099	Moca Municipio	32,92
CO 72 101	Morovis Municipio	25,28
CO 72 103	Naguabo Municipio	22,62
CO 72 105	Naranjito Municipio	27,91
CO 72 107	Orocovis Municipio	21,15

This table provides final 1990 census population counts for Puerto Rico and its municipios. These counts are not suitable or intended for redistricting. The Bureau of the Census will provide redistricting counts at the block level for Puerto Rico in June 1991.

## G O V E R N M E N T A L U N I T

(0308

CODE	NAME	Number Person
CO 72 109	Patillas Municipio	19,
CO 72 111	Peñuelas Municipio	22,
CO 72 113	Ponce Municipio	187,
CO 72 115	Quebradillas Municipio	21,
CO 72 117	Rincón Municipio	12,
CO 72 119	Río Grande Municipio	45,
CO 72 121	Sabana Grande Municipio	22,
CO 72 123	Salinas Municipio	28,
CO 72 125	San Germán Municipio	34,
CO 72 127	San Juan Municipio	437,
CO 72 129	San Lorenzo Municipio	35,
CO 72 131	San Sebastián Municipio	38,
CO 72 133	Santa Isabel Municipio	19,
CO 72 135	Toa Alta Municipio	44,
CO 72 137	Toa Baja Municipio	89,
CO 72 139	Trujillo Alto Municipio	61,
CO 72 141	Utua Municipio	34,
CO 72 143	Vega Alta Municipio	34,
CO 72 145	Vega Baja Municipio	55,
CO 72 147	Vieques Municipio	8,
CO 72 149	Villalba Municipio	23,
CO 72 151	Yabucoa Municipio	36,
CO 72 153	Yauco Municipio	42,

\*\*\*\*\* END OF LISTING

## PUBLIC INTEREST BENEFITS

Section 307(b) of the Commissions Act of 1934, as amended, assigns the Commission the task of providing a "fair and equitable distribution of radio services". In allotting FM frequencies, the Commission established, in order of importance, these priorities to determine whether particular allotments are in the public interest:

1. First full-time aural service;
2. Second full-time aural service;
3. First local service;
4. Other public interest matters.

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7/ See Notice of Proposed Rule Making, DA 92-1368, released November 12, 1992, relating to RM-8026 in MM Docket 92-245.

8/ See Notice of Proposed Rule Making, DA 92-1396, released November 17, 1992, addressing RM-8098 in MM Docket No. 92-247.

REVISION OF FM ASSIGNMENT POLICIES AND PROCEDURES, 90 F.C.C. 2d 88,  
91 (1982)

The Commission amended its rules to allow FM and television licensees and permittees to specify new communities or license in a rulemaking context, without facing the risk of losing an existing allotment. Amendment of Commission's Rules Concerning Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 66 RR 2d 877 (1989) (the "Community of License Order"). The Commission decided to use the same four priorities to "...compare the proposed allotment plan to the existing state of allotments for the communities involved" to determine which would result in a "preferential arrangement of allotments." Id. at 882. On reconsideration of the Community of License Order, the Commission acknowledges that "provision of first local service is the highest of our allotment priorities which remains in any significant degree unsatisfied. "Amendment of Commission's Rules Concerning Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7096 (1990) (the "Reconsideration Order")".



**CERTIFICATE OF SERVICE**

James L. Oyster hereby certifies that he has sent a copy of the foregoing REPLY by first class U.S. mail, postage prepaid, or by hand delivery, on or before the 19th day of January, 1993, to the following:

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